

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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JUAN NOLASCO,

Plaintiff,

v.

LANDMARK AMERICANA TAP & GRILL,

Defendant.

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CIVIL ACTION

No. \_\_\_\_\_

**COMPLAINT**

Juan Nolasco ("Plaintiff") brings this lawsuit against Landmark Americana Tap & Grill ("Defendant"), seeking all available relief under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201, *et seq.*, and the Pennsylvania Minimum Wage Act ("PMWA").

**JURISDICTION AND VENUE**

1. Jurisdiction over Plaintiff's FLSA claim is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
2. Jurisdiction over Plaintiff's PMWA claim is proper under 28 U.S.C. § 1367.
3. Venue is proper under 28 U.S.C. § 1391.

**PARTIES**

4. Plaintiff is an individual residing in Philadelphia, PA.
5. Defendant is a corporate entity headquartered in Philadelphia, PA.
6. Defendant operates a bar and restaurant in Philadelphia, PA, wherein it is engaged in interstate commerce or in the production of goods for interstate commerce or engaged in handling, receiving, selling, or otherwise working on goods or materials that have been moved in or produced for interstate commerce.
7. Defendant is an employer covered by the FLSA and PMWA.

**FACTS**

8. For approximately five years prior to July 2014, Defendant employed Plaintiff at its Philadelphia bar/restaurant and paid him a weekly salary.

9. Plaintiff spent the great majority of his time cooking and performing other manual work in the bar/restaurant's kitchen, and such activities were the primary duty of Plaintiff's position.

10. Plaintiff worked approximately 60-70 hours during a typical week.

11. Plaintiff never received any compensation, including overtime premium compensation, for hours worked over 40 per week.

12. In failing to pay Plaintiff any compensation, including overtime premium compensation, for hours worked over 40 per week, Defendant acted willfully and with reckless disregard of clearly applicable FLSA and PMWA provisions.

**COUNT I**  
**(Alleging Violations of the FLSA)**

13. All previous paragraphs are incorporated as though fully set forth herein.

14. The FLSA requires that covered employees receive overtime compensation "not less than one and one-half times" the employee's regular rate of pay for all hours worked over 40 in a workweek. *See* 29 U.S.C. § 207(a)(1).

15. Plaintiff is an employee entitled to the FLSA's protections.

16. Defendant is an employer covered by the FLSA.

17. Defendant violated the FLSA by failing to pay Plaintiff any compensation, including overtime premium compensation, for time spent working over 40 hours per week.

18. In violating the FLSA, Defendant acted willfully and with reckless disregard of clearly applicable FLSA provisions.

**COUNT II**  
**(Alleging Violations of the PMWA)**

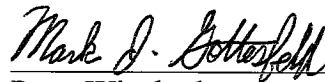
19. All previous paragraphs are incorporated as though fully set forth herein.
20. The PMWA requires that covered employees receive overtime compensation “not less than one and one-half times” the employee’s regular rate of pay for all hours worked over 40 in a workweek. *See* 43 P.S. § 333.104(c).
21. Plaintiff is an employee entitled to the PMWA’s protections.
22. Defendant is an employer covered by the PMWA.
23. Defendant violated the PMWA by failing to pay Plaintiff any compensation, including overtime premium compensation, for time spent working over 40 hours per week.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff seeks the following relief:

- A. Unpaid wages to the fullest extent permitted under federal and state law;
- B. Liquidated damages to the fullest extent permitted under the FLSA and prejudgment interest to the fullest extent permissible under federal and state law;
- C. Litigation costs, expenses, and attorney’s fees to the fullest extent permitted under federal and state law; and
- D. Such other and further relief as this Court deems just and proper.

Date: October 1, 2014



Peter Winebrake  
R. Andrew Santillo  
Mark J. Gottesfeld  
Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
(215) 884-2491

Michael Hollander  
Community Legal Services of Philadelphia

1424 Chestnut Street  
Philadelphia, PA 19102-2505  
(215) 981-3794

Plaintiff's Lawyers